



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 779 (Cy.67)

2009 No. 779 (W.67)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau Byrddau Iechyd Lleol
(Cyfansoddiad, Aelodaeth a
Gweithdrefnau) (Cymru)
2009

The Local Health Boards
(Constitution, Membership and
Procedures) (Wales) Regulations
2009

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn dirymu Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2003 (O.S. 2003/149 (Cy.19)) ("Rheoliadau 2003") a Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) (Diwygio) 2007 (O.S. 2007/953 (Cy.84)) ("Rheoliadau 2007"). Maent yn gwneud darpariaethau ar gyfer cyfansoddiad ac aelodaeth Byrddau Iechyd Lleol gan gynnwys eu gweithdrefnau a'u trefniadau gweinyddol.

1. These Regulations, which apply in relation to Wales, revoke the Local Health Board (Constitution, Membership and Procedures) (Wales) Regulations 2003 (S.I. 2003/149 (W.19)) ("the 2003 Regulations") and the Local Health Boards (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2007 (S.I. 2007/953 (W.84)) ("the 2007 Regulations"). They make provisions for the constitution and membership of the Local Health Boards including their procedures and administrative arrangements.

2. Mae Rhan 2 o'r Rheoliadau hyn yn gwneud darpariaethau—

2. Part 2 of these Regulations make provisions—

- (a) ar gyfer cyfansoddiad ac aelodaeth y Byrddau (rheoliad 3);
- (b) ar gyfer penodi eu haelodau (rheoliad 4);
- (c) o ran gofynion cymhwystra eu haelodau (rheoliad 5 ac Atodlen 2);
- (ch) mewn perthynas â deiliadaeth swydd eu haelodau, terfynu penodiad yr aelodau hynny a'u hatal dros dro (rheoliadau 6 i 12).

- (a) for the composition and membership of the Boards (regulation 3);
- (b) for the appointment of their members (regulation 4);
- (c) for eligibility requirements for their members (regulation 5 and Schedule 2);
- (d) in relation to tenure of office, termination of appointment and suspension of their members (regulations 6 to 12).

3. Mae Rhan 3 yn cynnwys darpariaethau amrywiol mewn perthynas â thrafodion y Bwrdd gan gynnwys pwerau'r is-gadeirydd, gweithdrefnau ar gyfer cyfarfodydd a darpariaethau ynghylch pryd y gwaherddir aelod rhag pleidleisio.

3. Part 3 contains various provisions in relation to the proceedings of the Board including the powers of the vice-chair, procedures for meetings and provisions about when a member is prohibited from voting.

4. Mae Rhan 4 yn nodi trefniadau trosiannol ar gyfer Bwrdd Iechyd Lleol Addysgu Powys ac yn darparu i aelodau newydd gael eu penodi ac i aelodau presennol beidio â bod yn aelodau.

5. Mae Rhan 5 yn cynnwys trefniadau trosiannol i Fyrddau Iechyd Lleol newydd gymryd lle'r Byrddau Iechyd Lleol presennol a darpariaethau i ddirymu Rheoliadau 2003 a Rheoliadau 2007.

6. Mae asesiad effaith rheoleiddiol wedi'i baratoi mewn cysylltiad â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

4. Part 4 sets out transitional arrangements for Powys Teaching Local Health Board and provides for new members to be appointed and for existing members to cease to be members.

5. Part 5 contains transitional arrangements for the new Local Health Boards to replace the existing Local Health Boards and provisions to revoke the 2003 Regulations and the 2007 Regulations.

6. A regulatory impact assessment has been prepared in connection with these Regulations. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

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2009

The Local Health Boards
(Constitution, Membership and
Procedures) (Wales) Regulations
2009

Gwnaed 24 Mawrth 2009

Made 24 March 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 25 Mawrth 2009

*Laid before the National
Assembly for Wales* 25 March 2009

Yn dod i rym 1 Mehefin 2009

Coming into force 1 June 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 12(3), a 13(2) a (4) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 a pharagraffau 4(1), 2 a 7(3) o Atodlen 2 iddi(1) ac ar ôl ymgynghori'n unol â pharagraff 7(4) o Atodlen 2 i'r Ddeddf honno, yn gwneud y Rheoliadau canlynol.

The Welsh Ministers in exercise of the powers conferred on them by sections 12(3) and 13(2) and (4) of and paragraphs 4(1), (2) and 7(3) of Schedule 2 to the National Health Service (Wales) Act 2006(1) and after consultation in accordance with paragraph 7(4) of Schedule 2 to that Act make the following Regulations.

RHAN 1

PART 1

Rhagarweiniad

Introduction

Enwi, cychwyn a chymhwyso

Title, commencement and application

1. Enw'r Rheoliadau hyn yw Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2009 a deuant i rym ar 1 Mehefin 2009.

1. The title of these Regulations is the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 and they come into force on 1 June 2009.

Dehongli

Interpretation

2. Mae i'r geiriau a'r ymadroddion a ganlyn yr ystyron canlynol—

2. The following words and phrases have the following meanings—

Ystyr "aelod" ("*member*") yw cadeirydd, is-gadeirydd neu swyddog-aelod Bwrdd, neu aelod nad yw'n swyddog i Fwrdd;

"the Act" ("*y Ddeddf*") means the National Health Service (Wales) Act 2006;

ystyr "aelod cyswllt" ("*associate member*") yw person a benodwyd yn unol â rheoliad 4(3) neu 4(4);

"associate member" ("*aelod cyswllt*") means a person who is appointed in accordance with regulation 4(3) or 4(4).

"Board" ("*Bwrdd*") means a Local Health Board;

ystyr "aelod nad yw'n swyddog" ("*non-officer member*") yw aelod Bwrdd sy'n dal unrhyw swydd a nodir yn rheoliad 3(4);

ystyr "ardal y Bwrdd" ("*Board's area*") yw'r ardal y mae Bwrdd wedi'i sefydlu ar ei chyfer fel a nodir—

- (a) yng Ngorchymyn Byrddau Iechyd Lleol (Sefydlu a Diddymu) (Cymru) 2009(1);
- (b) o ran Bwrdd Iechyd Lleol Powys, yng Ngorchymyn Byrddau Iechyd Lleol (Sefydlu) (Cymru) 2003(2),

oherwydd caniateir i ardal o'r fath gael ei hamrywio o bryd i'w gilydd;

ystyr "awdurdod lleol" ("*local authority*") yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr "Bwrdd" ("*Board*") yw Bwrdd Iechyd Lleol;

ystyr "corff gwasanaeth iechyd" ("*health service body*") yw Awdurdod Iechyd Arbennig, Awdurdod Iechyd Strategol, Bwrdd Iechyd Lleol, Ymddiriedolaeth GIG, Ymddiriedolaeth Sefydledig GIG neu Ymddiriedolaeth Gofal Sylfaenol;

ystyr "cyfnod cysgodol" ("*shadow period*") yw'r cyfnod rhwng y dyddiad y daw'r Rheoliadau hyn i rym ac 1 Hydref 2009;

ystyr "y Ddeddf" ("*the Act*") yw Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

mae i "sefydliadau gwirfoddol" yr ystyr a briodolir i "*voluntary organisations*" yn adran 206(1) o'r Ddeddf;

ystyr "swyddog-aelod" ("*officer member*") yw aelod Bwrdd sy'n dal unrhyw swydd a nodir yn rheoliad 3(2);

mae i'r term "undeb llafur" yr ystyr a bennir i "*trade union*" yn adran 1 o Ddeddf Undebau Llafur a Chysylltiadau Cyflogaeth (Cydgrynhoi) 1992(3) ac hwnnw'n undeb llafur sydd wedi'i gofrestru ar y rhestr o undebau llafur a ddelir gan y Swyddog Ardystio yn unol ag adran 2 o'r Ddeddf honno.

"Board's area" ("*ardal y Bwrdd*") means the area for which a Board is established as set out—

- (a) in the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009(1);
- (b) in relation to Powys Local Health Board, in the Local Health Boards (Establishment) (Wales) Order 2003(2),

as such area may be varied from time to time;

"health service body" ("*corff gwasanaeth iechyd*") means a Special Health Authority, Strategic Health Authority, Local Health Board, NHS Trust, NHS Foundation Trust or Primary Care Trust;

"local authority" ("*awdurdod lleol*") means a county or county borough council in Wales;

"member" ("*aelod*") means a chair, vice-chair, officer or non-officer member of a Board;

"non-officer member" ("*aelod nad yw'n swyddog*") means a member of a Board who holds any office set out in regulation 3(4);

"officer member" ("*swyddog-aelod*") means a member of a Board who holds any office set out in regulation 3(2);

"shadow period" ("*cyfnod cysgodol*") means the period between the date of the coming into force of these Regulations and 1 October 2009;

"trade union" ("*undeb llafur*") has the meaning assigned to it in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992(3) and which is registered on the list of trade unions held by the Certification Officer in accordance with section 2 of that Act;

"voluntary organisations" ("*sefydliadau gwirfoddol*") has the meaning assigned to it in section 206(1) of the Act.

(1) O.S. 2009 Rhif 778 (Cy.66).

(2) O.S. 2003 Rhif 148 (Cy.18), fel y'i diwygiwyd gan O.S. 2009/778 (Cy.66).

(3) 1992 p. 52

(1) S.I. 2009 No. 778 (W.66).

(2) S.I. 2003 No.148 (W.18) as amended by S.I. 2009/778 (W.66).

(3) 1992 c.52.

RHAN 2

Aelodaeth

Aelodaeth o Fyrddau Iechyd Lleol

3.—(1) Mae aelodau o'r Bwrdd yn cynnwys—

- (a) cadeirydd;
- (b) is-gadeirydd;
- (c) swyddog-aelodau; ac
- (ch) aelodau nad ydynt yn swyddogion.

(2) Mae'r swyddog-aelodau yn cynnwys y—

- (a) prif swyddog;
- (b) swyddog meddygol;
- (c) swyddog cyllid;
- (ch) swyddog nyrsio;
- (d) swyddog sy'n gyfrifol am ddarparu'r canlynol—
 - (i) gwasanaethau gofal sylfaenol;
 - (ii) gwasanaethau gofal cymunedol; a
 - (iii) gwasanaethau iechyd meddwl.
- (dd) swyddog sy'n gyfrifol am ddatblygu'r gweithlu a datblygu sefydliadol;
- (e) swyddog sy'n gyfrifol am iechyd y cyhoedd;
- (f) swyddog sy'n gyfrifol am y cynllunio strategol a gweithredol i ddarparu gwasanaethau iechyd;
- (g) Swyddog sy'n gyfrifol am therapiau a gwyddor iechyd.

(3) Bydd gan y swyddog-aelodau ym mharagraff 2 unrhyw gyfrifoldebau eraill a ragnodir gan y Bwrdd.

(4) Mae naw o aelodau nad ydynt yn swyddogion a rhaid iddynt gynnwys—

- (a) aelod awdurdod lleol;
- (b) aelod sefydliad gwirfoddol;
- (c) aelod undeb llafur;
- (ch) person sy'n dal swydd mewn prifysgol sy'n gysylltiedig ag iechyd.

(5) Yn ychwanegol, caniateir i aelodau cyswllt gael eu penodi'n unol â rheoliad 4(3) a (4).

Penodi aelodau Bwrdd Iechyd Lleol

4.—(1) Mae'r cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion yn cael eu penodi gan Weinidogion Cymru.

(2) Mae'r swyddog-aelodau yn cael eu penodi gan y Bwrdd.

PART 2

Membership

Membership of Local Health Boards

3.—(1) The members of the Board consist of—

- (a) a chair;
- (b) a vice-chair;
- (c) officer members; and
- (d) non-officer members.

(2) The officer members consist of—

- (a) a chief officer;
- (b) a medical officer;
- (c) a finance officer;
- (d) a nurse officer;
- (e) an officer who has responsibility for provision of the following—
 - (i) primary care services;
 - (ii) community health services; and
 - (iii) mental health services.
- (f) an officer who has responsibility for workforce and organisational development;
- (g) an officer who has responsibility for public health;
- (h) an officer who has responsibility for the strategic and operational planning of the provision of health services;
- (i) an officer who has responsibility for therapies and health science.

(3) Officer members in paragraph (2) will have such other responsibilities as may be prescribed by the Board.

(4) There are nine non-officer members which must include—

- (a) a local authority member;
- (b) a voluntary organisation member;
- (c) a trade union member;
- (d) a person who holds a post in a university that is related to health.

(5) In addition there may be associate members appointed in accordance with regulation 4(3) and (4).

Appointment of Local Health Board members

4.—(1) The chair, vice-chair and non-officer members are appointed by the Welsh Ministers.

(2) The officer members are appointed by the Board.

(3) Caiff Gweinidogion Cymru benodi dim mwy na thri aelod cyswllt.

(4) Os yw'r Bwrdd yn barnu ei bod yn angenrheidiol neu'n hwylus er mwyn cyflawni unrhyw un o'i swyddogaethau, caiff benodi un aelod cyswllt.

(5) Cyn gwneud penodiad yn unol â pharagraff (4), rhaid i'r Bwrdd fod wedi cael cydsyniad ysgrifenedig gan Weinidogion Cymru.

(6) Pan fo'r Bwrdd yn gwneud penodiad yn unol â pharagraffau (2) neu (4), rhaid iddo roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru o bryd i'w gilydd ynghylch penodiadau.

(7) Bydd penodiadau a wneir yn unol â pharagraff (1) yn unol â darpariaethau yn Atodlen (1) (pan fônt yn gymwys).

(8) Pan fo person yn cael ei benodi'n unol â pharagraffau (1), (3) a (4), rhaid rhoi sylw i'r angen i hyrwyddo amrywiaeth yn y rhychwant o bersonau y caniateir eu penodi ac i sicrhau eu bod yn cynrychioli buddiannau'r gymuned yn ardal y Bwrdd.

(9) Caiff pob awdurdod lleol yn ardal y Bwrdd enwebu dau berson a chaiff Gweinidogion Cymru ddewis person o blith y personau a enwebir i fod yn aelod awdurdod lleol o dan reoliad 3(4)(a).

(10) Caiff y brifysgol yn ngholofn 1 o Atodlen 4 enwebu dau berson a chaiff Gweinidogion Cymru ddewis person o blith y personau hynny a enwebir i fod yn aelod prifysgol o dan reoliad 3(4)(ch) ar gyfer y Bwrdd Iechyd Lleol sydd wedi'i neilltuo iddi yng ngholofn 2 o Atodlen 4.

Y gofynion o ran cymhwysra i fod yn aelod o Fwrdd Iechyd Lleol

5. Cyn y caniateir i unrhyw berson gael ei benodi'n aelod neu'n aelod cyswllt, rhaid iddo fodloni'r gofynion perthnasol o ran cymhwysra yn Atodlen 2 a pharhau i gyflawni'r gofynion perthnasol tra bo'n dal y swydd honno.

Deiliadaeth swydd cadeirydd, is-gadeirydd, aelodau nad ydynt yn swyddogion ac aelodau cyswllt

6.—(1) Mae'r rheoliad hwn yn gymwys i unrhyw berson a benodir—

- (a) yn gadeirydd, yn is-gadeirydd neu'n aelod nad yw'n swyddog; neu
- (b) yn aelod cyswllt sy'n cael ei benodi gan Weinidogion Cymru yn unol â rheoliad 4(3).

(2) Yn ddarostyngedig i'r Rheoliadau hyn, bydd aelod neu aelod cyswllt yn dal ac yn gadael swydd yn unol â thelerau ei benodiad.

(3) The Welsh Ministers may appoint no more than three associate members.

(4) If it considers it necessary or expedient for the performance by the Board of any of its functions, the Board may appoint one associate member.

(5) Before making an appointment in accordance with paragraph (4) the Board must have written consent from the Welsh Ministers.

(6) Where the Board makes an appointment in accordance with paragraphs (2) or (4) it must have regard to any guidance issued by the Welsh Ministers from time to time concerning appointments.

(7) Appointments made in accordance with paragraphs (1) will be in accordance with the provisions in Schedule 1 (where they apply).

(8) Where a person is appointed in accordance with paragraphs (1), (3) and (4) regard must be had to the need to encourage diversity in the range of persons who may be appointed and to ensure that they are representative of the interests of the community within the Board's area.

(9) Each local authority within the Board's area may nominate two persons and the Welsh Ministers may choose a person from those persons nominated to be the local authority member under regulation 3(4)(a).

(10) The university in column 1 of Schedule 4 may nominate two persons and the Welsh Ministers may choose a person from those persons nominated to be the university member under regulation 3(4)(d) for the Local Health Board assigned to it in column 2 of Schedule 4.

Eligibility requirements for membership of a Local Health Board

5. Any person must fulfil the relevant requirements for eligibility in Schedule 2 before that person may be appointed as a member or associate member and must continue to fulfil the relevant requirements while that person holds office.

Tenure of office of chair, vice-chair, non-officer members and associate members

6.—(1) This regulation applies to any person who is appointed as—

- (a) a chair, vice-chair or non-officer member; or
- (b) an associate member appointed by Welsh Ministers in accordance with regulation 4(3).

(2) Subject to these Regulations, a member or associate member holds and vacates office in accordance with the terms of that person's appointment.

(3) Caniateir i aelod neu aelod cyswllt gael ei benodi am gyfnod nad yw'n hwy na phedair blynedd.

(4) Yn ddarostyngedig i baragraff (5), caniateir i aelod neu aelod cyswllt, pan fydd ei gyfnod yn ei swydd wedi dod i ben, gael ei ailbenodi'n unol â rheoliadau 4(1) neu 4(3).

(5) Ni chaiff person ddal swydd fel aelod nac fel aelod cyswllt i'r un Bwrdd am gyfnod cyfan o fwy nag wyth mlynedd.

Deiliadaeth swydd aelodau cyswllt a benodir gan y Bwrdd

7.—(1) Mae'r rheoliad hwn yn gymwys i unrhyw berson a benodir yn aelod cyswllt gan y Bwrdd yn unol â rheoliad 4(4).

(2) Yn ddarostyngedig i'r Rheoliadau hyn, mae aelod cyswllt yn dal a gadael swydd yn unol â thelerau ei benodiad.

(3) Caniateir i aelod cyswllt gael ei benodi am gyfnod nad yw'n hwy na blwyddyn.

(4) Yn ddarostyngedig i baragraff (5), caniateir i aelod cyswllt, pan fydd ei gyfnod yn ei swydd wedi dod i ben, gael ei ailbenodi'n unol â rheoliad 4(4).

(5) Ni chaiff person ddal swydd fel aelod cyswllt i'r un Bwrdd am gyfnod cyfan o fwy na phedair blynedd.

Terfynu penodiad swyddog-aelodau a'u hatal dros dro

8.—(1) Caiff y cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion symud swyddog- aelod o'i swydd ar unwaith—

- (a) os ydynt o'r farn nad yw er budd y Bwrdd i berson sy'n swyddog-aelod barhau i ddal swydd fel aelod; neu
- (b) os ydynt, ar ôl cael eu hysbysu gan swyddog-aelodau yn unol â pharagraff (2), o'r farn nad yw er budd y Bwrdd i berson sy'n swyddog-aelod barhau ei ddal swydd fel aelod.

(2) Os bydd yr holl swyddog-aelodau (ac eithrio swyddog-aelod sy'n destun hysbysiad i'r cadeirydd o dan y paragraff hwn) o'r farn na ddylai person sy'n swyddog-aelod barhau i ddal swydd fel aelod, cânt hysbysu'r Bwrdd.

(3) Pan fo'r cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion yn symud person o swydd yn unol â pharagraff (1) neu, ar ôl iddynt gael eu hysbysu gan y swyddog-aelodau yn unol â pharagraff (2), yn penderfynu y dylai person barhau i ddal swydd, rhaid iddynt hysbysu Gweinidogion Cymru ar unwaith mewn ysgrifen, gan ddatgan y rhesymau dros eu penderfyniad.

(3) A member or associate member may be appointed for a period of no longer than four years.

(4) Subject to paragraph (5) a member or associate member may on the expiration of his or her term of office be re-appointed in accordance with regulations 4(1) or 4(3).

(5) A person may not hold office as a member or an associate member for the same Board for a total period of more than eight years.

Tenure of office of associate members appointed by the Board

7.—(1) This regulation applies to any person who is appointed by the Board as an associate member in accordance with regulation 4(4).

(2) Subject to these Regulations, an associate member holds and vacates office in accordance with the terms of that person's appointment.

(3) An associate member may be appointed for a period of no longer than one year.

(4) Subject to paragraph (5), an associate member may on the expiration of his or her term of office be re-appointed in accordance with regulation 4(4).

(5) A person may not hold office as an associate member for the same Board for a total period of more than four years.

Termination of appointment of officer members

8.—(1) The chair, vice-chair and non-officer members may immediately remove an officer member from office —

- (a) if they are of the opinion that it is not in the interests of the Board that a person who is an officer member should continue to hold office as a member; or
- (b) having been notified by officer members in accordance with paragraph (2), they are of the opinion that it is not in the interests of the Board that a person who is an officer member should continue to hold office as a member.

(2) If all of the officer members (other than an officer member who is the subject of a notification to the chair under this paragraph) are of the opinion that a person who is an officer member should not continue to hold office as a member, they may notify the Board.

(3) Where the chair, the vice-chair and non-officer members remove a person from office in accordance with paragraph (1) or, having been notified by the officer members in accordance with paragraph (2), determine that a person should continue to hold office, they must immediately notify the Welsh Ministers in writing, stating the reasons for their decision.

(4) Pan fo person wedi'i benodi i fod yn swyddog-aelod, a'i bod yn dod i sylw'r cadeirydd, yr is-gadeirydd neu unrhyw aelod nad yw'n swyddog fod y person —

- (a) wedi dod yn anghymwys i gael ei benodi o dan Atodlen 2; neu
- (b) adeg ei benodi, yn anghymwys i gael ei benodi o dan Atodlen 2.

rhaid iddynt hysbysu'r Bwrdd ar unwaith a rhaid i'r cadeirydd hysbysu'r swyddog-aelod hwnnw a Gweinidogion Cymru ar unwaith mewn ysgrifen o'r anghymhwystra hwnnw.

(5) Rhaid i swyddog-aelod hysbysu'r Bwrdd ar unwaith os daw'n anghymwys o dan Atodlen 2.

(6) Pan fo hysbysiad wedi'i roi'n unol â pharagraff (4), rhaid i'r cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion symud y person hwnnw o'r swydd a bydd y person hwnnw'n peidio â gweithredu fel swyddog-aelod.

(7) Os yw'n ymddangos i'r cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion fod swyddog-aelod wedi methu â chydymffurfio â rheoliad 17, caniateir iddynt symud y person hwnnw o'r swydd a bydd y person hwnnw'n peidio â gweithredu fel swyddog-aelod.

(8) Pan fo swyddog-aelod wedi'i symud o'i swydd yn unol â pharagraffau (6) a (7), rhaid i'r cadeirydd hysbysu Gweinidogion Cymru o hynny ar unwaith.

(9) Os bydd person sy'n swyddog-aelod wedi methu â bod yn bresennol mewn unrhyw gyfarfod y Bwrdd am gyfnod o chwe mis neu fwy, rhaid i'r cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion symud y person hwnnw o'r swydd oni chânt eu bodloni—

- (a) bod achos rhesymol dros yr absenoldeb; a
- (b) y bydd y person yn gallu bod yn bresennol mewn cyfryw gyfarfodydd ac o fewn unrhyw gyfnod y bydd y cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion yn credu sy'n rhesymol.

Atal swyddog-aelodau dros dro

9.—(1) Cyn penderfynu a ddylid symud person o swydd yn unol â rheoliad 8, caiff y cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion, os byddant yn credu ei bod yn briodol gwneud hynny, atal dros dro ddeiliadaeth swydd swyddog-aelod am unrhyw gyfnod y maent yn credu ei fod yn rhesymol.

(2) Pan fo swyddog-aelod wedi'i atal dros dro yn unol â pharagraff (1), rhaid i'r cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion hysbysu'r aelod hwnnw a Gweinidogion Cymru ar unwaith mewn ysgrifen, gan ddatgan y rhesymau dros ei atal dros dro.

(4) Where a person has been appointed to be an officer member, if it comes to the notice of the chair, the vice-chair or any of the non-officer members that the person—

- (a) has become ineligible for appointment under Schedule 2, or
- (b) was at the time of their appointment ineligible for appointment under Schedule 2,

they must immediately notify the Board and the chair must immediately notify that officer member and the Welsh Ministers in writing of such ineligibility.

(5) An officer member must immediately notify the Board if that member becomes ineligible under Schedule 2.

(6) Where notice has been given in accordance with paragraph (4), the chair, the vice-chair and the non-officer members must remove that person from office and that person ceases to act as an officer member.

(7) If it appears to the chair, the vice-chair and the non-officer members that an officer member has failed to comply with regulation 17, they may remove that person from office and that person ceases to act as an officer member.

(8) Where an officer member has been removed from office in accordance with paragraphs (6) and (7) the chair must immediately notify the Welsh Ministers.

(9) If a person who is an officer member has failed to attend any meeting of the Board for a period of six months or more, the chair, the vice-chair and the non-officer members must remove that person from office unless they are satisfied that —

- (a) the absence was due to a reasonable cause; and
- (b) the person will be able to attend such meetings within such period as the chair, the vice-chair and the non-officer members consider reasonable.

Suspension of officer members

9.—(1) Before deciding whether to remove a person from office in accordance with regulation 8, the chair, the vice-chair and the non-officer members may, if they consider it appropriate to do so, suspend the tenure of office of an officer member for such period as they consider reasonable.

(2) Where an officer member is suspended in accordance with paragraph (1), the chair, the vice-chair and the non-officer members must immediately notify that member and the Welsh Ministers in writing, stating the reasons for his or her suspension.

(3) Ni chaiff swyddog-aelod y mae ei ddeiliadaeth swydd wedi'i hatal dros dro gyflawni swyddogaethau unrhyw aelod o'r Bwrdd.

Terfynu penodiad aelodau ac aelodau cyswllt a benodwyd gan Weinidogion Cymru

10.—(1) Mae'r rheoliad hwn yn gymwys i unrhyw berson a benodir—

- (a) yn gadeirydd;
- (b) yn is-gadeirydd;
- (c) yn aelod nad yw'n swyddog;
- (ch) yn aelod cyswllt sy'n cael ei benodi gan Weinidogion Cymru yn unol â rheoliad 4(3).

(2) Caiff Gweinidogion Cymru symud person o swydd ar unwaith os byddant yn penderfynu —

- (a) nad yw er budd y gwasanaeth iechyd yn yr ardal y mae'r Bwrdd yn gweithredu ar ei chyfer; neu
- (b) nad yw'n gydnaws â rheoli Bwrdd yn dda,

i'r person hwnnw barhau i ddal swydd.

(3) Os daw i sylw Gweinidogion Cymru fod person a benodwyd wedi dod yn anghymwys o dan Atodlen 2 neu wedi methu â chydymffurfio â rheoliad 17, caiff Gweinidogion Cymru ei symud o'r swydd honno.

(4) Rhaid i berson a benodir hysbysu'r Bwrdd ar unwaith os daw'n anghymwys o dan Atodlen 2.

(5) Os yw person a benodwyd wedi methu â bod yn bresennol yn unrhyw gyfarfod y Bwrdd am gyfnod o chwe mis neu fwy, caiff Gweinidogion Cymru ei symud o'r swydd honno oni chânt eu bodloni —

- (a) bod achos rhesymol dros yr absenoldeb; a
- (b) y bydd y person yn gallu bod yn bresennol yn y cyfryw gyfarfodydd o fewn unrhyw gyfnod y mae Gweinidogion Cymru yn credu sy'n rhesymol.

(6) Caiff person ymddiswyddo ar unrhyw bryd o'i swydd fel aelod neu aelod cyswllt drwy roi hysbysiad mewn ysgrifen i Weinidogion Cymru ac i'r Bwrdd ond bydd ei ymddiswyddiad yn ddarostyngedig i delerau ei benodiad.

Atal dros dro aelodau ac aelodau cyswllt a benodwyd gan Weinidogion Cymru

11.—(1) Cyn gwneud penderfyniad i symud person o swydd o dan reoliad 10, caiff Gweinidogion Cymru atal dros dro ei ddeiliadaeth swydd am unrhyw gyfnod y maent yn credu ei fod yn rhesymol.

(2) Pan fo aelod wedi'i atal dros dro yn unol â pharagraff (1), bydd Weinidogion Cymru'n hysbysu'r

(3) An officer member whose tenure of office is suspended may not perform the functions of any member of the Board.

Termination of appointment of members and associate members appointed by Welsh Ministers

10.—(1) This regulation applies to any person who is appointed as—

- (a) a chair;
- (b) a vice-chair;
- (c) a non-officer member;
- (d) an associate member appointed by the Welsh Ministers in accordance with regulation 4(3).

(2) The Welsh Ministers may immediately remove a person from office if they determine that —

- (a) it is not in the interests of the health service in the area for which the Board acts; or
- (b) it is not conducive to the good management of a Board,

for that person to continue to hold office.

(3) If it comes to the notice of the Welsh Ministers that a person appointed has become ineligible under Schedule 2 or has failed to comply with regulation 17, the Welsh Ministers may remove that person from that office.

(4) A person appointed must immediately notify the Board if that person becomes ineligible under Schedule 2.

(5) If a person appointed has failed to attend any meeting of the Board for a period of six months or more, the Welsh Ministers may remove that person from that office unless they are satisfied that —

- (a) the absence was due to a reasonable cause; and
- (b) the person will be able to attend such meetings within such period as the Welsh Ministers consider reasonable.

(6) A person may at any time resign his or her office as member or associate member by notice in writing to the Welsh Ministers and to the Board but subject to the terms of that person's appointment.

Suspension of members and associate members appointed by Welsh Ministers

11.—(1) Before making a decision to remove a person from office under regulation 10, the Welsh Ministers may suspend the tenure of office of that person for such period as they consider reasonable.

(2) Where a member is suspended in accordance with paragraph (1), the Welsh Ministers will

aelod hwnnw ar unwaith mewn ysgrifen, gan ddatgan y rhesymau dros ei atal dros dro.

(3) Ni chaiff person y mae ei benodiad wedi'i atal dros dro o dan baragraff (1) gyflawni swyddogaethau unrhyw aelod.

Terfynu penodiad aelodau cyswllt a benodwyd gan y Bwrdd

12.—(1) Mae'r rheoliad hwn yn gymwys i aelodau cyswllt a benodir yn unol â rheoliad 4(4).

(2) Caiff y Bwrdd symud person o swydd ar unwaith os yw'n penderfynu —

- (a) nad yw er budd y gwasanaeth iechyd yn yr ardal y mae'r Bwrdd yn gweithredu ar ei chyfer; neu
- (b) nad yw'n gydnaws â rheoli Bwrdd yn dda,

i berson barhau i ddal swydd.

(3) Os daw i sylw'r Bwrdd fod person a benodwyd wedi dod yn anghymwys i gael ei benodi o dan Atodlen 2 neu wedi methu â chydymffurfio â rheoliad 17, caiff y Bwrdd ei symud o'r swydd honno.

(4) Rhaid i berson a benodir hysbysu'r Bwrdd ar unwaith os daw'n anghymwys o dan Atodlen 2.

(5) Os yw'n ofynnol i berson a benodwyd yn aelod cyswllt fod yn bresennol mewn un o gyfarfodydd y Bwrdd ond ei fod wedi methu â gwneud hynny am gyfnod o chwe mis neu fwy, caiff y Bwrdd symud y person hwnnw o'r swydd honno oni chaiff ei fodloni —

- (a) bod achos rhesymol dros yr absenoldeb; a
- (b) y bydd y person yn gallu bod yn bresennol yn y cyfryw gyfarfodydd o fewn unrhyw gyfnod y bydd y Bwrdd yn credu sy'n rhesymol.

(6) Caiff unrhyw aelod ymddiswyddo ar unrhyw bryd o'i swydd fel aelod cyswllt drwy roi hysbysiad mewn ysgrifen i Weinidogion Cymru ac i'r Bwrdd ond bydd ei ymddiswyddiad yn ddarostyngedig i delerau ei benodiad.

immediately notify that member in writing, stating the reasons for his or her suspension.

(3) A person whose appointment is suspended under paragraph (1) may not perform the functions of any member.

Termination of appointment of associate members appointed by the Board

12.—(1) This regulation applies to associate members appointed in accordance with regulation 4(4).

(2) The Board may immediately remove a person from office if it determines that —

- (a) it is not in the interests of the health service in the area for which the Board acts; or
- (b) it is not conducive to the good management of a Board,

for a person to continue to hold office .

(3) If it comes to the notice of the Board that a person appointed has become ineligible for appointment under Schedule 2 or has failed to comply with regulation 17, the Board may remove that person from that office.

(4) A person appointed must immediately notify the Board if that person becomes ineligible under Schedule 2.

(5) If a person appointed as an associate member is required to attend a meeting of the Board but has failed to do so for a period of six months or more, the Board may remove that person from that office unless satisfied that —

- (a) the absence was due to a reasonable cause; and
- (b) the person will be able to attend such meetings within such period as the Board considers reasonable.

(6) Any member may at any time resign his or her office as associate member by notice in writing to the Welsh Ministers and to the Board but subject to the terms of that person's appointment.

RHAN 3

Trafodion a threfniadau gweinyddol y Byrddau

Pwerau'r is-gadeirydd

13. Pan fo cadeirydd y Bwrdd —

- (a) wedi marw;
- (b) wedi peidio â dal ei swydd; neu

PART 3

Proceedings and Administrative Arrangements of Boards

Powers of vice-chair

13. Where the chair of the Board—

- (a) has died;
- (b) has ceased to hold office; or

- (c) yn analluog i gyflawni dyletswyddau'r cadeirydd oherwydd salwch, absenoldeb neu unrhyw achos arall,

bydd yr is-gadeirydd yn gweithredu fel cadeirydd hyd nes y caiff cadeirydd newydd ei benodi neu hyd nes y bydd y cadeirydd presennol yn ailafael yn ei ddyletswyddau fel cadeirydd, yn ôl y digwydd; a chymerir bod cyfeiriadau at y cadeirydd yn Atodlen 3, cyhyd ag nad oes unrhyw gadeirydd sy'n gallu cyflawni dyletswyddau cadeirydd, yn cynnwys cyfeiriadau at yr is-gadeirydd.

Penodi pwyllgorau ac is-bwyllgorau

14. Yn ddarostyngedig i unrhyw gyfarwyddiadau a roddir gan Weinidogion Cymru, caniateir i'r Bwrdd, ac os caiff ei gyfarwyddo i wneud hynny gan Weinidogion Cymru, rhaid iddo —

- (a) penodi pwyllgorau neu is-bwyllgorau'r Bwrdd, neu
- (b) penodi, ar y cyd ag un neu fwy o Fyrddau neu Ymddiriedolaethau GIG neu awdurdod lleol yn ardal y Bwrdd, gydbwyllgorau neu gyd-is-bwyllgorau,

a fydd wedi'u ffurfio'n gyfan gwbl neu'n rhannol o aelodau'r Bwrdd neu gyrff gwasanaeth iechyd eraill neu bersonau nad ydynt yn aelodau o'r Bwrdd nac o gyrff gwasanaeth iechyd eraill.

Cyfarfodydd a thrafodion

15.—(1) Rhaid i gyfarfodydd a thrafodion y Bwrdd gael eu cynnal yn unol ag Atodlen 3 ac yn unol â'r Rheolau Sefydlog a wneir o dan baragraff (2).

(2) Rhaid i'r Bwrdd wneud Rheolau Sefydlog, i reoleiddio ei drafodion a'i fusnes, gan gynnwys darpariaethau i atal ei hun dros dro.

(3) Caiff y Bwrdd —

- (a) amrywio; neu
- (b) dirymu ac ail-wneud

ei Reolau Sefydlog.

(4) Caiff y Bwrdd, yn achos pwyllgor neu is-bwyllgor a sefydlwyd yn unol â rheoliad 14(a), wneud, amrywio a dirymu Rheolau Sefydlog sy'n ymwneud â'r pwyllgor neu'r is-bwyllgor hwnnw.

(5) Pan fo cyd-bwyllgor neu gyd-is-bwyllgor wedi'i sefydlu'n unol â rheoliad 14(b), rhaid i'r Bwrdd gymeradwyo unrhyw Reolau Sefydlog y caniateir eu gwneud gan y pwyllgor neu'r is-bwyllgor hwnnw.

(6) Bydd Rheolau Sefydlog a wneir o dan y rheoliad hwn yn ddarostyngedig i gyfarwyddiadau y caniateir eu dyroddi gan Weinidogion Cymru a rhaid iddynt gael eu gwneud yn unol â'r cyfarwyddiadau hynny.

- (c) is unable to perform the duties of chair owing to illness, absence or any other cause,

the vice-chair will act as chair until a new chair is appointed or the existing chair resumes the duties of chair, as the case may be; and references to the chair in Schedule 3 will, so long as there is no chair able to perform the duties of chair, be taken to include references to the vice-chair.

Appointment of committees and sub-committees

14. Subject to such directions as may be given by the Welsh Ministers, the Board may and, if directed by the Welsh Ministers, must —

- (a) appoint committees or sub-committees of the Board, or
- (b) together with one or more Boards or NHS Trusts or a local authority in the Board's area, appoint joint committees or joint sub-committees,

consisting wholly or partly of the members of the Board or other health service bodies or of persons who are not members of the Board or other health service bodies.

Meetings and proceedings

15.—(1) The meetings and proceedings of the Board must be conducted in accordance with Schedule 3 and with Standing Orders made under paragraph (2).

(2) The Board must make Standing Orders for the regulation of its proceedings and business including provisions for the Board's suspension.

(3) The Board may—

- (a) vary; or
- (b) revoke and remake,

its Standing Orders.

(4) The Board may, in the case of a committee or sub-committee established in accordance with regulation 14(a), make, vary and revoke Standing Orders relating to that committee or sub-committee.

(5) Where a joint committee or joint sub-committee has been established in accordance with regulation 14(b), the Board must approve any Standing Orders that may be made by that committee or sub-committee.

(6) Standing Orders made under this regulation will be subject to, and must be made in accordance with, such directions as may be issued by Welsh Ministers.

Aelodau cyswllt

16. Ni chaiff aelodau cyswllt bleidleisio mewn unrhyw gyfarfodydd neu drafodion Bwrdd.

Enabledd aelodau oherwydd buddiant ariannol

17.—(1) Yn ddarostyngedig i'r rheoliad hwn —

- (a) os oes gan aelod neu aelod cyswllt unrhyw fuddiant ariannol, p'un ai'n uniongyrchol neu'n anuniongyrchol, mewn unrhyw gontract, contract arfaethedig neu fater arall; a
- (b) os yw aelod neu aelod cyswllt yn bresennol yn un o gyfarfodydd y Bwrdd lle mae'r contract, y contract arfaethedig neu'r mater arall yn bwnc sy'n cael ei ystyried,

rhaid i'r aelod hwnnw ddatgelu'r ffaith yn y cyfarfod a chyn gynted â phosibl ar ôl i'r cyfarfod hwnnw ddechrau a rhaid iddo beidio â chymryd rhan yn y broses o ystyried neu drafod y contract, y contract arfaethedig neu'r mater arall neu, os oes gan yr aelod hwnnw hawl i bleidleisio, rhaid iddo beidio â phleidleisio ar unrhyw gwestiwn sy'n ymwneud â'r contract, y contract arfaethedig neu'r mater arall hwnnw.

(2) Caiff Gweinidogion Cymru, yn ddarostyngedig i unrhyw amodau y gwelant yn dda, osod neu ddileu unrhyw anabledd a osodir gan y rheoliad hwn mewn unrhyw achos lle mae'n ymddangos i Weinidogion Cymru y byddai er budd y gwasanaeth iechyd i wneud hynny.

(3) Caiff Bwrdd, drwy Reoliadau Sefydlog a wneir o dan reoliad 15, ddarparu ar gyfer gwahardd unrhyw aelod neu aelod cyswllt o unrhyw un o gyfarfodydd y Bwrdd tra bo unrhyw gontract, contract arfaethedig neu fater arall y mae gan yr aelod hwnnw fuddiant ariannol ynddo, p'un ai'n uniongyrchol neu'n anuniongyrchol, yn cael ei ystyried.

(4) Nid yw unrhyw dâl, iawndal neu lwfansau sy'n daladwy i aelod neu aelod cyswllt yn rhinwedd paragraff 10 o Atodlen 2 i'r Ddeddf i gael ei drin neu eu trin fel buddiant ariannol at ddibenion y rheoliad hwn.

(5) Yn ddarostyngedig i baragraffau (2) a (6), mae aelod neu aelod cyswllt i'w drin at ddibenion y rheoliad hwn fel un y mae ganddo fuddiant ariannol anuniongyrchol mewn contract, contract arfaethedig neu fater arall os yw'r aelod hwnnw, neu unrhyw un y mae wedi'i enwebu —

- (a) yn gyfarwyddwr neu'n swyddog arall cwmni neu gorff arall, nad yw'n gorff cyhoeddus, y gwnaed y contract ag ef neu y bwriedir gwneud y contract ag ef neu y mae ganddo fuddiant ariannol uniongyrchol yn y mater yn cael ei ystyried; neu
- (b) yn berson y gwnaed y contract gydag ef neu y bwriedir gwneud y contract gydag ef, neu y

Associate members

16. Associate members may not vote in any meetings or proceedings of a Board.

Disability of members on account of pecuniary interest

17.—(1) Subject to this regulation, if a member or an associate member—

- (a) has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter; and
- (b) is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration,

that member must at the meeting and as soon as practicable after its commencement disclose the fact and must not take part in the consideration or discussion of the contract, proposed contract or other matter or, if that member has the right to vote, must not vote on any question with respect to it.

(2) The Welsh Ministers may, subject to such conditions as they may consider fit, impose or remove any disability imposed by this regulation in any case in which it appears to the Welsh Ministers to be in the interests of the health service to do so.

(3) A Board may, by Standing Orders made under regulation 15, provide for the exclusion of any member or associate member from a meeting of the Board while any contract, proposed contract or other matter in which that member has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to a member or associate member by virtue of paragraph 10 of Schedule 2 to the Act is not to be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), a member or associate member is to be treated for the purposes of this regulation as having an indirect pecuniary interest in a contract, proposed contract or other matter if such member, or any nominee of such member —

- (a) is a director or other officer of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration; or
- (b) is a person with whom the contract was made or is proposed to be made, or who has a direct

mae ganddo fuddiant ariannol uniongyrchol yn y mater sy'n cael ei ystyried, neu y mae'n bartner i'r person hwnnw, neu'n cael ei gyflogi ganddo;

ac yn achos personau sy'n briod â'i gilydd neu sydd mewn partneriaeth sifil â'i gilydd neu sy'n byw gyda'i gilydd fel rhai sy'n briod neu fel partneriaid sifil, bernir at ddibenion y rheoliad hwn fod buddiant un person o'r fath, os yw'n hysbys i'r llall, yn fuddiant y llall hefyd.

(6) Nid yw aelod neu aelod cyswllt i'w drin fel un y mae ganddo fuddiant ariannol mewn unrhyw gcontract, contract arfaethedig neu fater arall a hynny ddim ond oherwydd —

- (a) aelodaeth yr aelod hwnnw mewn cwmni neu gorff arall os nad oes gan yr aelod hwnnw fuddiant llesionol yn unrhyw rai o warannau'r cwmni neu'r corff hwnnw; neu
- (b) buddiant yn unrhyw gwmni, corff neu berson y mae'r aelod hwnnw'n gysylltiedig ag ef, fel y crybwyllir ym mharagraff (5), a hwnnw'n fuddiant sydd mor bell neu ddi-nod fel na ellir yn rhesymol farnu y byddai'n debygol o ddylanwadu ar aelod wrth iddo ystyried neu drafod unrhyw gwestiwn sy'n ymwneud â'r contract, y contract arfaethedig neu'r mater hwnnw na phleidleisio arno.

(7) Pan fo gan aelod neu aelod cyswllt fuddiant ariannol anuniongyrchol mewn contract, contract arfaethedig neu fater arall a hynny ddim ond oherwydd buddiant llesionol mewn gwarannau cwmni neu gorff arall, ac —

- (a) nid yw cyfanswm gwerth enwol y gwarannau hynny'n fwy na £5,000 neu ganfed ran o gyfanswm enwol cyfalaf cyfrandaliadau a ddyroddwyd gan y cwmni neu'r corff, pa un bynnag yw'r lleiaf, a
- (b) os yw'r cyfalaf cyfrandaliadau yn perthyn i fwy nag un dosbarth, cyfanswm enwol cyfrandaliadau unrhyw ddsbarth unigol y mae gan yr aelod hwnnw fuddiant llesionol ynddo nad yw'n fwy na chanfed ran o gyfanswm y cyfalaf cyfrandaliadau a ddyroddwyd yn y dosbarth hwnnw,

nid yw'r rheoliad hwn yn gwahardd yr aelod hwnnw rhag cymryd rhan yn y broses o ystyried neu drafod y contract, y contract arfaethedig neu fater arall neu, pan fo gan yr aelod hwnnw hawl i bleidleisio, rhag pleidleisio ar unrhyw gwestiwn yn ei gylch.

(8) Nid yw paragraff (7) yn effeithio ar ddyletswydd aelod neu aelod cyswllt i ddatgelu buddiant o dan baragraff (1).

(9) Mae'r rheoliad hwn yn gymwys o ran pwyllgor neu is-bwyllgor ac o ran cyd-bwyllgor neu gyd-is-bwyllgor fel y mae'n gymwys o ran Bwrdd, ac mae'n gymwys i aelod o unrhyw bwyllgor, is-bwyllgor neu

pecuniary interest in the matter under consideration, or is a partner of, or is in the employment of, such a person;

and in the case of persons who are married to each other or in a civil partnership with each other or who are living together as spouses or civil partners, the interest of one such person will, if known to the other, be deemed for the purpose of this regulation to be also an interest of the other.

(6) A member or an associate member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only —

- (a) of such member's membership of a company or other body if such member has no beneficial interest in any securities of that company or body; or
- (b) of an interest in any company, body or person with which such member is connected as mentioned in paragraph (5) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of or in voting on, any question with respect to that contract, proposed contract or matter.

(7) Where a member or an associate member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and—

- (a) the total nominal value of those securities does not exceed £5,000 or one hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and
- (b) if the share capital is of more than one class, the total nominal value of shares of any one class in which that member has a beneficial interest does not exceed one hundredth of the total issued share capital of that class,

this regulation does not prohibit that member from taking part in the consideration or discussion of the contract, proposed contract or other matter or, where that member has the right to vote, from voting on any question with respect to it.

(8) Paragraph (7) does not affect a member's or associate member's duty to disclose an interest under paragraph (1).

(9) This regulation applies in relation to a committee or sub-committee and to a joint committee or joint sub-committee as it applies in relation to a Board, and applies to a member of any such committee, sub-

gyd-bwyllgor neu gyd is-bwyllgor o'r fath (p'un a yw'r person hwnnw hefyd yn aelod o Fwrdd, neu'n aelod cyswllt ohono, ai peidio) fel y mae'n gymwys i aelod o Fwrdd neu aelod cyswllt ohono.

(10) Yn y rheoliad hwn —

mae "corff cyhoeddus" ("*public body*") yn cynnwys unrhyw gorff a sefydlwyd at ddibenion rhedeg, o dan berchenogaeth wladol, unrhyw ddiwydiant neu ran o unrhyw ddiwydiant neu ymgymeriad, corff llywodraethu unrhyw brifysgol, coleg prifysgol neu goleg, ysgol neu neuadd prifysgol a'r Ymddiriedolaeth Genedlaethol dros Fannau o Ddiddordeb Hanesyddol neu Harddwch Naturiol a ymgorfforwyd gan Ddeddf yr Ymddiriedolaeth Genedlaethol 1907(1);

ystyr "cyfrandaliadau" ("*shares*") yw cyfrandaliadau yng nghyfalaf cyfrandaliadau cwmni neu gorff arall neu yn stoc cwmni neu gorff arall;

ystyr "sicrydau" ("*securities*") yw —

- (a) cyfrandaliadau neu ddyledebau, p'un a ydynt yn arwystl ar asedau cwmni neu gorff arall, neu'n hawliau neu fuddiannau mewn unrhyw gyfrandaliad neu ddyledebau; neu
- (b) hawliau (p'un a ydynt yn wirioneddol neu'n amodol) mewn cysylltiad ag arian a fenthycwyd i unrhyw gymdeithas ddiwydiannol neu ddarbodus neu gymdeithas adeiladu neu a adnewwyd gyda hwy.

RHAN 4

Trefniadau Trosiannol ar gyfer Bwrdd Iechyd Lleol Addysgu Powys

18. Mae'r Rhan hon yn gymwys mewn perthynas â Bwrdd Iechyd Lleol Addysgu Powys.

Trefniadau ar gyfer aelodau presennol Bwrdd Iechyd Lleol Addysgu Powys

19. Bydd unrhyw berson sy'n cael, neu sydd wedi cael, ei benodi'n aelod neu'n aelod cyfetholedig yn unol â Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2003(2) yn peidio â bod yn aelod neu'n aelod cyfetholedig ar ddiwedd y cyfnod cysgodol.

Trefniadau ar gyfer y bwrdd cysgodol

20.—(1) Y personau a benodir yn unol â pharagraffau (2) a (3) a fydd yn ffurfio'r Bwrdd cysgodol tan ddiwedd y cyfnod cysgodol.

(1) 1907 p.136.

2) O.S. 2003/149 (Cy.19), fel a diwygiwyd gan O.S. 2007/953 (Cy.84).

committee or joint committee or sub-committee (whether or not such person is also a member of a Board or an associate member) as it applies to a member of a Board or associate member.

(10) In this regulation —

"public body" ("*corff cyhoeddus*") includes any body established for the purpose of carrying on, under national ownership, any industry or part of any industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907(1);

"securities" ("*gwarannau*") means —

- (a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in any share or debentures; or
- (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any industrial or provident society or building society;

"shares" ("*cyfranddaliadau*") means shares in the share capital of a company or other body or the stock of a company or other body.

PART 4

Transitional Arrangements for Powys Teaching Local Health Board

18. This Part applies in relation to the Powys Teaching Local Health Board only.

Arrangements for existing members of Powys Teaching Local Health Board

19. Any person who is, or has been, appointed to be a member or co-opted member in accordance with the Local Health Board (Constitution, Membership and Procedures) (Wales) Regulations 2003(2) will cease to be a member or co-opted member at the end of the shadow period.

Arrangements for the shadow board

20.—(1) Persons appointed in accordance with paragraphs (2) and (3) will comprise the shadow Board until the end of the shadow period.

(1) 1907 c.136.

(2) S.I. 2003/149 (W.19). As amended by S.I. 2007/953 (W.84).

(2) Bydd Gweinidogion Cymru yn penodi personau a ddaw'n gadeirydd, yn is-gadeirydd ac yn aelodau nad ydynt yn swyddogion ar ddiwedd y cyfnod cysgodol.

(3) Bydd y Bwrdd cysgodol yn penodi personau a ddaw'n swyddog-aelodau ar ddiwedd y cyfnod cysgodol.

(4) Bydd y Bwrdd yn cydweithredu â'r Bwrdd cysgodol i alluogi'r Bwrdd cysgodol i weithredu fel y Bwrdd o ddiwedd y cyfnod cysgodol.

(5) Rhaid i bersonau a benodir yn unol â pharagraffau (2) a (3) gydymffurfio â'r gofynion o ran cymhwystra yn Atodlen 2 ac fe'u trinnir fel petaent yn aelodau a benodwyd yn unol â rheoliad 4.

(2) The Welsh Ministers will appoint persons who will become the chair, vice-chair and non-officer members at the end of the shadow period.

(3) The shadow Board will appoint persons who will become officer members at the end of the shadow period.

(4) The Board will co-operate with the shadow Board to enable the shadow Board to operate as the Board from the end of the shadow period.

(5) Persons appointed in accordance with paragraphs (2) and (3) must comply with the eligibility requirements in Schedule 2 and will be treated as if they were members appointed in accordance with regulation 4.

RHAN 5

Amrywiol

Trefniadau trosiannol yn ystod y cyfnod cysgodol

21. Yn ystod y cyfnod cysgodol bydd paragraff 6 o Atodlen 3 yn gymwys fel petai'n darllen —

"Ni chaniateir i unrhyw fusnes gael ei drafod mewn cyfarfod onid yw nifer yr aelodau sy'n bresennol yn ddau o leiaf."

Dirymu

22.—(1) Yn ddarostyngedig i baragraffau (2) a (3), mae'r Rheoliadau canlynol wedi'u dirymu —

- (a) Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2003(1);
- (b) Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) (Diwygio) 2007(2).

(2) O ran y Byrddau a restrir yn Atodlen 2 i Orchymyn Byrddau Iechyd Lleol (Sefydlu a Diddymu) (Cymru) 2009(3)—

- (a) mae'r Rheoliadau ym mharagraff (1) wedi'u dirymu ar ddiwedd y cyfnod cysgodol;
- (b) ac eithrio'r rheoliad hwn, nid yw'r Rheoliadau hyn yn gymwys.

PART 5

Miscellaneous

Transitional arrangements during the shadow period

21. During the shadow period paragraph 6 of Schedule 3 applies as if it read—

"No business may be transacted at a meeting unless the number of members present is not less than two."

Revocation

22.—(1) Subject to paragraphs (2) and (3), the following Regulations are revoked—

- (a) the Local Health Board (Constitution, Membership and Procedure) (Wales) Regulations 2003(1);
- (b) the Local Health Board (Constitution, Membership and Procedure) (Wales) (Amendment) Regulations 2007(2).

(2) In relation to the Boards listed in Schedule 2 to the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009(3)—

- (a) the Regulations in paragraph (1) are revoked at the end of the shadow period;
- (b) except for this regulation, these Regulations do not apply.

(1) O.S. 2003/149 (Cy.19).

(2) O.S. 2007/953 (Cy.84).

(3) O.S. 2009/778 (Cy.66).

(1) S.I. 2003/149 (W.19).

(2) S.I. 2007/953 (W.84).

(3) S.I. 2009/778 (W.66).

(3) O ran Bwrdd Iechyd Lleol Addysgu Powys —

- (a) yn ddarostyngedig i is-baragraff (b), caiff y Rheoliadau ym mharagraff (1) eu dirymu ar ddiwedd y cyfnod cysgodol;
- (b) bydd y Rheoliadau hyn yn gymwys ar ddiwedd y cyfnod cysgodol ac eithrio'r ffaith y byddant yn gymwys at ddibenion penodiadau o dan reoliad 20 ac ar gyfer y rheoliad hwn o ddechrau'r cyfnod cysgodol.

(3) In relation to Powys Teaching Local Health Board—

- (a) subject to sub-paragraph (b), the Regulations in paragraph (1) are revoked at the end of the shadow period;
- (b) these Regulations will apply at the end of the shadow period except that for the purposes of appointments under regulation 20 and for this regulation they apply from the beginning of the shadow period.

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the
Welsh Ministers

24 Mawrth 2009

24 March 2009

ATODLEN 1

Y GWEITHDREFNAU AR GYFER PENODI CADEIRYDDION, IS-GADEIRYDDION AC AELODAU NAD YDYNT SWYDDOGION

Rheoliad 4(1)

1. Mae'r Atodlen hon yn gymwys i ddethol a phenodi cadeiryddion, is-gadeiryddion ac aelodau nad ydynt swyddogion..

2. Bydd Gweinidogion Cymru'n sicrhau bod trefniadau priodol wedi'u gwneud ar gyfer dethol a phenodi personau'n aelodau a bod y trefniadau hynny'n cymryd i ystyriaeth —

- (a) yr egwyddorion a osodir o bryd i'w gilydd gan y Comisiynydd Penodiadau Cyhoeddus ac yng Nghod Ymarfer Gweinidogion Cymru ar gyfer Penodiadau gan Weinidogion i Gyrrff Cyhoeddus;
- (b) ei bod yn ofynnol bod dethol a phenodi'n brosesau agored a thryloyw;
- (c) ei bod yn ofynnol bod detholi a phenodi yn cael ei wneud drwy gystadleuaeth deg ac agored; a
- (ch) yr angen i sicrhau bod ymgeiswyr llwyddiannus yn bodloni'r gofynion perthnasol ynghylch cymhwysra a nodir yn Atodlen 2 a'u bod yn bodloni'r meini prawf dethol a'r safonau cymhwysedd a ddefnyddir gan y Bwrdd.

SCHEDULE 1

PROCEDURES FOR APPOINTMENT OF CHAIRS, VICE-CHAIRS AND NON-OFFICER MEMBERS

Regulation 4(1)

1. This Schedule applies to the selection and appointment of chairs, vice-chairs and non-officer members.

2. The Welsh Ministers will ensure that appropriate arrangements are in place for the selection and appointment of persons as members and that those arrangements take into account —

- (a) the principles from time to time laid down by the Commissioner for Public Appointments and in the Welsh Minister's Code of Practice for Ministerial Appointments to Public Bodies;
- (b) the requirement that the selection and appointment be open and transparent;
- (c) the requirement of fair and open competition in the selection and appointment; and
- (d) the need to ensure that successful candidates meet the relevant eligibility requirements set out in Schedule 2 and that they meet the selection criteria and standards of competence applied by the Board.

Y MEINI PRAWF CYMHWYSTRA AR
GYFER AELODAU AC AELODAU
CYSWLLT

Rheoliad 5

RHAN 1

Gofynion cyffredinol

1.—(1) Mae Rhan 1 o'r Atodlen hon yn gymwys mewn perthynas â chymhwystro aelodau ac aelodau cyswllt i gael eu penodi.

(2) Yn ddarostyngedig i baragraffau (4), (5), (6) ac (8), ni fydd person yn gymwys i gael ei benodi'n aelod neu'n aelod cyswllt os yw —

- (a) yn ystod y pum mlynedd blaenorol wedi'i gollfarnu yn y Deyrnas Unedig, Ynysoedd y Sianel neu Ynys Manaw o unrhyw dramgwydd ac wedi cael dedfryd o garchar (p'un a yw wedi'i hatal ai peidio) am gyfnod nad yw'n llai na thri mis heb yr opsiwn o ddirwy;
- (b) yn destun gorchymyn cyfyngu methdaliad neu orchymyn interim i gyfyngu methdaliad neu wedi gwneud compownd neu drefniant gyda'i gredydwyd;
- (c) wedi'i ddiswyddo, ac eithrio oherwydd anghyflogaeth, o gyflogaeth am dâl gyda chorff gwasanaeth iechyd;
- (ch) os yw ei aelodaeth fel cadeirydd, aelod neu gyfarwyddwr corff gwasanaeth iechyd, wedi'i therfynu am reswm ac eithrio anghyflogaeth, ymddiswyddiad gwirfoddol, ad-drefnu'r corff gwasanaeth iechyd, neu am fod cyfnod y swydd y penodwyd y person hwnnw iddi wedi dod i ben;

(3) At ddibenion paragraff (2)(a), bernir mai'r dyddiad collfarnu yw'r dyddiad y bydd y cyfnod a ganiateir yn gyffredinol ar gyfer gwneud apêl neu gais ynghylch y gollfarn yn dod i ben neu, os gwneir apêl neu gais o'r fath, y dyddiad y penderfynir yn derfynol ar yr apêl neu'r cais, neu'r dyddiad y rhoddir y gorau i'r naill neu'r llall ohonynt, neu'r dyddiad y mae'r apêl yn methu am na chafodd ei dwyn yn ei blaen neu'r dyddiad y mae'r cais yn methu am na chafodd ei ddwyn yn ei flaen.

(4) At ddibenion paragraff (2)(c), nid yw person i'w drin fel un sydd wedi cael ei gyflogi am dâl a hynny ddim ond am ei fod yn aelod, aelod cyswllt neu gyfarwyddwr corff gwasanaeth iechyd.

ELIGIBILITY REQUIREMENTS FOR
MEMBERS AND ASSOCIATE MEMBERS

Regulation 5

PART 1

General requirements

1.—(1) Part 1 of this Schedule applies in relation to the eligibility for appointment of members and associate members.

(2) Subject to paragraph (4), (5), (6) and (8), a person is not be eligible for appointment as a member or associate member if that person —

- (a) has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) is the subject of a bankruptcy restrictions order or an interim order or has made a composition or arrangement with creditors;
- (c) has been dismissed, other than by reason of redundancy, from any paid employment with a health service body;
- (d) has had his or her membership as chair, member or director of a health service body terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the health service body, or expiry of the period of office for which that person was appointed;

(3) For the purposes of paragraph (2) (a) the date of conviction is deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

(4) For the purposes of paragraph (2) (c), a person is not be treated as having been in paid employment by reason only of having held the position of member, associate member or director of a health service body.

(5) Pan fo person yn anghymwys oherwydd paragraff (2)(b) —

- (a) os diddymir y methdaliad ar y sail na ddylai'r person fod wedi cael ei ddyfarnu'n fethdalwr neu ar y sail bod dyledion y person wedi cael eu talu'n llawn, bydd y person hwnnw'n gymwys i gael ei benodi'n aelod neu'n aelod cyswllt ar ddyddiad y diddymiad;
- (b) os caiff y person ei ryddhau o fethdaliad, bydd y person hwnnw'n gymwys i gael ei benodi'n aelod neu'n aelod cyswllt ar ddyddiad y rhyddhau;
- (c) os telir dyledion y person yn llawn ac yntau wedi gwneud compownd neu drefniant gyda'i greddydwyr, bydd y person hwnnw'n gymwys i gael ei benodi'n aelod neu'n aelod cyswllt ar y dyddiad y caiff y dyledion hynny eu talu'n llawn; ac
- (ch) os bydd y person, ar ôl iddo wneud compownd neu drefniant gyda'i greddydwyr, yn dod yn gymwys i gael ei benodi'n aelod neu'n aelod cyswllt ar derfyn pum mlynedd o'r dyddiad y cyflawnwyd telerau gweithred y compownd neu'r drefniant.

(6) Yn ddarostyngedig i baragraff (7), pan fo person yn anghymwys oblegid paragraff (2)(c), caiff, ar derfyn dwy flynedd o ddyddiad y diswyddiad, wneud cais ysgrifenedig i Weinidogion Cymru i ddileu'r anghymhwystra, a chaiff Gweinidogion Cymru gyfarwyddo bod yr anghymhwystra'n dod i ben.

(7) Pan fo Gweinidogion Cymru yn gwrthod cais i ddileu anghymhwystra, ni chaiff y person hwnnw wneud cais pellach cyn pen dwy flynedd gan ddechrau ar ddyddiad y cais a bydd y paragraff hwn yn gymwys i unrhyw gais wedyn.

(8) Pan fo person yn anghymwys oherwydd paragraff (2)(ch), bydd yn anghymwys i gael ei benodi'n aelod neu'n aelod cyswllt ar derfyn dwy flynedd o ddyddiad terfynu'r aelodaeth neu unrhyw gyfnod hwy a bennwyd gan yr awdurdod ac a barodd i'r aelodaeth gael ei therfynu, ond caiff Gweinidogion Cymru, pan fo cais wedi'i wneud iddynt gan y person hwnnw, leihau cyfnod yr anghymhwystra.

RHAN 2

Y Gofynion o ran Cymhwysra ar gyfer Cadeiryddion, Is-gadeiryddion ac Aelodau nad ydynt yn Swyddogion

2.—(1) Yn ddarostyngedig i baragraff (2), mae person yn anghymwys i fod yn gadeirydd, yn is-gadeirydd neu'n aelod nad yw'n swyddog os yw'r person hwnnw yn cael, neu wedi cael yn y flwyddyn

(5) Where a person is ineligible by reason of paragraph (2) (b) —

- (a) if the bankruptcy is annulled on the ground that the person ought not to have been adjudged bankrupt or on the ground that the person's debts have been paid in full, that person becomes eligible for appointment as a member or associate member on the date of the annulment;
- (b) if the person is discharged from bankruptcy, that person becomes eligible for appointment as a member or associate member on the date of the discharge;
- (c) if, having made a composition or arrangement with creditors, the person's debts are paid in full, that person becomes eligible for appointment as a member or associate member on the date upon which such debts are paid in full; and
- (d) if, having made a composition or arrangement with creditors, that person becomes eligible for appointment as a member or associate member on the expiry of five years from the date on which the terms of the deed of composition or arrangement were fulfilled.

(6) Subject to paragraph (7), where a person is ineligible by reason of paragraph (2) (c), that person may, after the expiry of two years from the date of dismissal, apply in writing to the Welsh Ministers to remove the ineligibility, and the Welsh Ministers may direct that the ineligibility ceases.

(7) Where the Welsh Ministers refuse an application to remove an ineligibility, no further application may be made by that person until the expiry of two years beginning with the date of the application and this paragraph applies to any subsequent application.

(8) Where a person is ineligible by reason of paragraph (2)(d), that person becomes eligible for appointment as a member or associate member on the expiry of two years from the date of termination of membership or such longer period as may have been specified by the authority which terminated the membership, but the Welsh Ministers may, on application being made in writing to them by that person, reduce the period of ineligibility.

PART 2

Eligibility Requirements for Chairs, Vice-chairs and Non-officer Members

2.—(1) Subject to paragraph (2) a person is ineligible to be a chair, vice-chair or non-officer member if that person is, or has been within the preceding year, in the paid employment of any of the

flaenorol, ei gyflogi am dâl gan unrhyw un o'r Byrddau Iechyd Lleol neu'r Ymddiriedolaethau GIG a ganlyn.

- (a) Bwrdd Iechyd Lleol a restrir yn Atodlen 2 neu Atodlen 3 i Orchymyn Byrddau Iechyd Lleol (Sefydlu a Diddymu) (Cymru) 20009 os yw, neu os oedd, o fewn ardal y Bwrdd;
- (b) Ymddiriedolaeth GIG a restrir yn yr Atodlen i Orchymyn Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Diddymu) (Cymru) 2009(1) os yw, neu os oedd, o fewn ardal y Bwrdd;
- (c) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre(2); neu
- (ch) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwlans Cymru(3).

(2) Nid yw person yn anghymwys o dan baragraff (1) os penodir y person hwnnw yn —

- (a) aelod undeb llafur yn unol â rheoliad 3(4)(c); neu
- (b) aelod prifysgol yn unol â rheoliad 3(4)(ch).

(3) At ddibenion paragraff (1), nid yw person i'w drin fel un sydd wedi'i gyflogi am dâl a hynny ddim ond am ei fod wedi dal swydd cadeirydd, is-gadeirydd neu aelod nad yw'n swyddog o Fwrdd Iechyd Lleol neu swydd cadeirydd, is-gadeirydd neu gyfarwyddwr anweithredol Ymddiriedolaeth GIG.

RHAN 3

Y Meini Prawf ynghylch Cymhwysra ar gyfer Categoriâu Penodol o Aelod

Swyddog meddygol

3. I fod yn gymwys i gael ei benodi'n swyddog meddygol yn rheoliad 3(2)(b), rhaid i berson fod wedi'i restru yng Nghofrestr Ymarferwyr Cyffredinol y Cyngor Meddygol Cyffredinol(4) neu'r Gofrestr Arbenigwyr(5).

(1) O.S. 2009/1306 (Cy.117).

(2) A sefydlwyd gan O.S. 1993/2838.

(3) A sefydlwyd gan O.S. 1998/678.

(4) Cedwir y Gofrestr Ymarferwyr Cyffredinol gan y Cyngor Meddygol Cyffredinol o dan erthygl 10 o Orchymyn Ymarfer Cyffredinol ac Arbenigol (Addysg, Hyfforddiant a Chymwysterau) 2003 (O.S. 2003/1250).

(5) Cedwir y Gofrestr Arbenigwyr gan y Cyngor Meddygol Cyffredinol o dan erthygl 13 o Orchymyn Ymarfer Cyffredinol ac Arbenigol (Addysg, Hyfforddiant a Chymwysterau) 2003 (O.S. 2003/1250).

following Local Health Boards or NHS Trusts—

- (a) a Local Health Board listed in Schedule 2 or Schedule 3 to the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 if it is, or was, within the area of the Board;
- (b) a NHS Trust listed in the Schedule to the National Health Service Trusts (Dissolution) (Wales) Order 2009(1) if it is, or was, within the area of the Board;
- (c) Velindre National Health Service Trust(2); or
- (d) Welsh Ambulance Services National Health Service Trust(3).

(2) A person is not ineligible under paragraph (1) if that person is appointed as—

- (a) a trade union member in accordance with regulation 3(4)(c); or
- (b) a university member in accordance with regulation 3(4)(d).

(3) For the purposes of paragraph (1), a person is not to be treated as having been in paid employment by reason only of having held the position of chair, vice-chair or non-officer member of a Local Health Board or a chair, vice-chair or non-executive director of a NHS Trust.

PART 3

Eligibility Requirements for Specific Categories of Member

Medical officer

3. To be eligible for appointment as the medical officer in regulation 3(2)(b) the person must be listed in the General Medical Council General Practitioner Register(4) or Specialist Register(5).

(1) S.I. 2009/1306 (W.117).

(2) Established by S.I. 1993/2838.

(3) Established by S.I. 1998/678.

(4) The General Practitioner Register is maintained by the General Medical Council under article 10 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I. 2003/1250).

(5) The Specialist Register is maintained by the General Medical Council under article 13 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I. 2003/1250).

Swyddog nyrsio

4. I fod yn gymwys i gael ei benodi fel y swyddog nyrsio yn rheoliad 3(2)(ch), rhaid i berson fod wedi'i gynnwys ar y gofrestr a gedwir gan y Cyngor Nyrsio a Bydwreigiaeth(1).

Swyddog iechyd y cyhoedd

5. I fod yn gymwys i gael ei benodi'n swyddog sy'n gyfrifol am iechyd y cyhoedd o dan reoliad 3(2)(e) rhaid i'r person fod wedi cwblhau hyfforddiant arbenigol uwch mewn iechyd y cyhoedd neu ddisgyblaeth gysylltiedig a bod wedi'i restru yng Nghofrestr Arbenigwyr y Cyngor Meddygol Cyffredinol, Rhestr y Cyngor Deintyddol Cyffredinol o Arbenigwyr mewn Iechyd Cyhoeddus Deintyddol(2) neu Gofrestr Iechyd Cyhoeddus y DU(3).

Swyddog Therapiau a Gwyddor Iechyd

6. I fod yn gymwys i gael ei benodi yn aelod a benodir o dan reoliad 3(2)(ff), rhaid i berson gael ei gynnwys yn y gofrestr a gedwir gan y Cyngor Proffesiynau Iechyd(4).

Aelod Awdurdod Lleol

7. I fod yn gymwys i gael ei benodi'n aelod sy'n cael ei benodi o dan reoliad 3(4)(a), rhaid i'r person fod yn aelod etholedig o awdurdod lleol y mae ei ardal o fewn ardal y Bwrdd.

Aelod Sefydliad Gwirfoddol

8. I fod yn gymwys i gael ei benodi'n aelod sy'n cael ei benodi o dan reoliad 3(4)(b), rhaid i'r person fod yn gyflogai sefydliad gwirfoddol sy'n weithredu o fewn ardal y Bwrdd neu'n aelod ohono.

Aelod Undeb Llafur

9. I fod yn gymwys i gael ei benodi'n aelod sy'n cael ei benodi o dan reoliad 3(4)(c), rhaid i'r person fod—

- (a) yn berson sy'n cael ei gyflogi gan y Bwrdd; a
- (b) yn aelod o undeb llafur sy'n cael ei gydnabod gan y Bwrdd mewn perthynas â materion cyflogi.

-
- (1) Cedwir cofrestr gan Gyngor Nyrsio a Bydwreigiaeth yn unol ag erthygl 5 o Orchymyn Cyngor Nyrsio a Bydwreigiaeth 2002 (O.S. 2002/253).
- (2) Mae'r Rhestr o Arbenigwyr mewn Iechyd Cyhoeddus Deintyddol wedi'i rhagnodi gan Reoliadau'r Cyngor Deintyddol Cyffredinol (Rhestr Arbenigwyr) 2008 a wneud gan y Cyngor o dan adrannau 26 a 52 o Ddeddf Deintyddol 1984 (p.24).
- (3) Cedwir Cofrestr Iechyd Cyhoeddus y DU gan y Public Health Register, cwmni cyfyngedig drwy warant a gofrestrwyd yng Nghymru a Lloegr o dan rif gofrestru 4776439.
- (4) Cedwir cofrestr gan Gyngor Proffesiynau Iechyd yn unol ag erthygl 5 o Orchymyn Proffesiynau Iechyd 2001 (O.S. 2002/254).

Nurse officer

4. To be eligible for appointment as the nurse officer in regulation 3(2)(d), a person must be included on the register maintained by the Nursing and Midwifery Council(1).

Public health officer

5. To be eligible for appointment as the officer with responsibility for public health under regulation 3(2)(g), the person must have completed higher specialist training in public health or a related discipline and be listed in the General Medical Council Specialist Register, the General Dental Council Specialist List in Dental Public Health(2) or the UK Public Health Register(3).

Therapies and health science officer

6. To be eligible for appointment as a member appointed under regulation 3(2)(i), a person must be included on the register maintained by the Health Professions Council(4).

Local authority member

7. To be eligible for appointment as a member appointed under regulation 3(4)(a) the person must be an elected member of a local authority whose area is within the Board's area.

Voluntary organisation member

8. To be eligible for appointment as a member appointed under regulation 3(4)(b) the person must be an employee or a member of a voluntary organisation that operates within the Board's area.

Trade union member

9. To be eligible for appointment as a member appointed under regulation 3(4)(c) the person must be—

- (a) employed by the Board; and
- (b) a member of a trade union recognised by the Board in relation to employment matters.

-
- (1) The Nursing and Midwifery Council maintains a register in accordance with Article 5 of the Nursing and Midwifery Council Order 2002 (S.I. 2002/253).
- (2) The Dental Public Health Specialists List is prescribed by the General Dental Council (Specialist List) Regulations 2008 made by the Council under sections 26 and 52 of the Dentists Act 1984 (c.24).
- (3) The UK Public Health Register is maintained by the Public Health Register a company limited by guarantee registered in England and Wales under registration number 4776439.
- (4) The Health Professions Council maintains a register in accordance with Article 5 of the Health Professions Order 2001 (S.I. 2002/254).

RHEOLAU YNGHYLCH CYFARFODYDD
A THRAFODION BYRDDAU

Rheoliad 15

1. Rhaid i gyfarfodydd Bwrdd gael eu cynnal ar y diwrnod ac yn y man a bennir gan y cadeirydd a'r cadeirydd sy'n gyfrifol am gynnwyl y cyfarfod.

2.—(1) Caiff y cadeirydd alw cyfarfod o'r Bwrdd ar unrhyw bryd.

(2) Os bydd y cadeirydd yn gwrthod galw cyfarfod ar ôl i gais at y diben hwnnw, a lofnodwyd gan o leiaf draean o'r aelodau, gael ei gyflwyno iddo, neu os nad yw'n galw cyfarfod, ac yntau heb wrthod ei alw, o fewn saith niwrnod ar ôl i gais o'r fath gael ei gyflwyno iddo, caiff y traean hwnnw neu fwy o'r aelodau alw am gynnal cyfarfod ar unwaith.

(3) Cyn pob cyfarfod Bwrdd, rhaid i hysbysiad o'r cyfarfod, sy'n nodi'r busnes y bwriedir ei drin ynddo, ac sydd wedi'i lofnodi gan y cadeirydd neu gan un o swyddogion a awdurdodwyd gan y cadeirydd i lofnodi ar ei ran, gael ei draddodi i bob aelod ac aelod cyswllt, neu gael ei anfon drwy'r post i breswylfa arferol yr aelod, er mwyn iddo fod ar gael i'r aelod hwnnw o leiaf deg diwrnod clir cyn y cyfarfod.

(4) Ni fydd diffyg cyflwyno'r hysbysiad i unrhyw aelod yn effeithio ar ddilysrwydd cyfarfod.

(5) Yn achos cyfarfod sy'n cael ei alw gan aelodau oherwydd diffyg y cadeirydd, rhaid i'r hysbysiad gael ei lofnodi gan yr aelodau hynny ac ni chaniateir i unrhyw fusnes gael ei drin yn y cyfarfod ac eithrio'r hyn a bennir yn yr hysbysiad.

3.—(1) Mewn unrhyw gyfarfod o'r Bwrdd, y cadeirydd, os yw'n bresennol, fydd yn llywyddu.

(2) Os yw'r cadeirydd yn absennol o'r cyfarfod, yr is-gadeirydd, os yw'n bresennol, fydd yn llywyddu.

(3) Os yw'r cadeirydd a'r is-gadeirydd yn absennol, yr aelod nad yw'n swyddog, ac a ddewisir gan yr aelodau sy'n bresennol, a fydd yn llywyddu.

4.—(1) Penderfynir pob cwestiwn mewn cyfarfod drwy fwyaftrif o bleidleisiau'r aelodau sy'n bresennol ac sy'n pleidleisio ar y cwestiwn ac, yn achos pleidlais gyfartal, mae gan y person sy'n llywyddu ail bleidlais a honno'n bleidlais fwrw.

(2) Wrth benderfynu pob cwestiwn mewn cyfarfod rhaid i'r aelodau gymryd i ystyriaeth, pan fo'n berthnasol, sylwadau a gyflwynwyd gan bersonau sy'n cynrychioli buddiannau'r gymuned sydd o fewn ardal y Bwrdd a buddiannau proffesiynolion iechyd.

(3) Yn y paragraff hwn mae i'r term "proffesiynolion

RULES AS TO MEETINGS AND
PROCEEDINGS OF BOARDS

Regulation 15

1. Meetings of a Board must be held on such day and at such place as may be fixed by the chair and the chair is responsible for convening the meeting.

2.—(1) The chair may call a meeting of the Board at any time.

(2) If the chair refuses to call a meeting after a requisition for that purpose, signed by at least one third of the members, has been presented to him or her, or if, without so refusing, the chair does not call a meeting within seven days after such requisition has been presented to him or her, such one third or more members may call a meeting to be held immediately.

(3) Before each meeting of a Board, a notice of the meeting, specifying the business proposed to be transacted at it, and signed by the chair or by an officer authorised by the chair to sign on his or her behalf must be delivered to every member and associate member, or sent by post to the usual place of residence of such member, so as to be available to such member, where reasonably practicable, at least ten clear days before the meeting.

(4) Want of service of the notice on any member does not affect the validity of a meeting.

(5) In the case of a meeting called by members in default of the chair, the notice must be signed by those members and no business may be transacted at the meeting other than that specified in the notice.

3.—(1) At any meeting of the Board the chair, if present, presides.

(2) If the chair is absent from the meeting, the vice-chair, if present, presides.

(3) If the chair and vice-chair are absent, such non-officer member as the members present choose presides.

4.—(1) Every question at a meeting is determined by a majority of the votes of the members present and voting on the question and, in the case of any equality of votes, the person presiding has a second and casting vote.

(2) In determining every question at a meeting the members must take account, where relevant, of representations made by persons who represent the interests of the community within the Board's area and health professionals.

(3) In this paragraph "health professionals"

iechyd" yr ystyr a briodolir i "*health professionals*" yn adran 69 o Ddeddf Diogelu Data 1998(1).

5. Rhaid cofnodi enwau'r cadeirydd, yr aelodau a'r aelodau cyswllt sy'n bresennol yn y cyfarfod.

6. Ni chaniateir i unrhyw fusnes gael ei drin mewn cyfarfod —

(a) onid oes o leiaf chwe aelod yn bresennol; a

(b) onid yw'r rhai sy'n bresennol yn cynnwys o leiaf dri swyddog-aelod a thri o aelodau nad ydynt yn swyddogion.

7. Rhaid i gofnodion trafodion cyfarfod gael eu llunio a'u cyflwyno i gael cytundeb arnynt yng nghyfarfod nesaf y Bwrdd, lle bydd rhaid iddynt gael eu llofnodi, os cytunir arnynt, gan y person sy'n llywyddu.

8.—(1) Yn ddarostyngedig i baragraff (2), rhaid i unrhyw gyfarfod Bwrdd fod yn agored i'r cyhoedd.

(2) Caiff Bwrdd benderfynu gwahardd y cyhoedd o gyfarfod yn unol â darpariaethau adran 1(2) a (3) o Ddeddf Cyrff Cyhoeddus (Mynediad i Gyfarfodydd) 1960(2).

("proffesiynolion iechyd") has the meaning assigned to it in section 69 of the Data Protection Act 1998(1).

5. The names of the chair, members and associate members present at the meeting must be recorded.

6. No business may be transacted at a meeting unless —

(a) the number of members present is not less than six; and

(b) those present include at least three officer member and three non-officer member.

7. The minutes of the proceedings of a meeting must be drawn up and submitted for agreement at the next meeting of the Board where, if agreed, they must be signed by the person presiding.

8.—(1) Subject to paragraph (2), any meeting of a Board must be open to the public.

(2) A Board may resolve to exclude the public from a meeting in accordance with the provisions of section 1(2) and (3) of the Public Bodies (Admission to Meetings) Act 1960(2).

(1) 1998 p.29.

(2) 1960 p.67.

(1) 1998 c.29.

(2) 1960 c.67.

ATODLEN 4

Rheoliad 4(10)

Y PRIFYSGOLION A GAIFF ENWEBU AELOD I FWRDD IECHYD LLEOL

<i>Colofn 1</i>		<i>Colofn 2</i>
<i>Y brifysgol</i>		<i>Y Bwrdd Iechyd Lleol</i>
1	Prifysgol Caerdydd	Bwrdd Iechyd Lleol Aneurin Bevan
2	Prifysgol Caerdydd	Bwrdd Iechyd Lleol Cwm Taf
3	Prifysgol Caerdydd	Bwrdd Iechyd Lleol Caerdydd a'r Fro
4	Prifysgol Abertawe	Bwrdd Iechyd Lleol Prifysgol Abertawe Bro Morgannwg
5	Prifysgol Abertawe	Bwrdd Iechyd Lleol Hywel Dda
6	Prifysgol Bangor	Bwrdd Iechyd Lleol Prifysgol Betsi Cadwaladr
7	Prifysgol Caerdydd	Bwrdd Iechyd Lleol Addysgol Powys

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SCHEDULE 4

Regulation 4(10)

UNIVERSITIES WHO MAY NOMINATE A MEMBER OF A LOCAL HEALTH BOARD

<i>Column 1</i>		<i>Column 2</i>
<i>University</i>		<i>Local Health Board</i>
1	Cardiff University	Aneurin Bevan Local Health Board
2	Cardiff University	Cwm Taf Local Health Board
3	Cardiff University	Cardiff and Vale University Local Health Board
4	Swansea University	Abertawe Bro Morgannwg University Local Health Board
5	Swansea University	Hywel Dda Local Health Board
6	Bangor University	Betsi Cadwaladr University Local Health Board
7	Cardiff University	Powys Teaching Local Health Board

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CYMRU

2009 Rhif 779 (Cy.67)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau Byrddau Iechyd Lleol
(Cyfansoddiad, Aelodaeth a
Gweithdrefnau) (Cymru)
2009

WELSH STATUTORY
INSTRUMENTS

2009 No. 779 (W.67)

**NATIONAL HEALTH
SERVICE, WALES**

The Local Health Boards
(Constitution, Membership and
Procedures) (Wales) Regulations
2009

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ON